



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/328,749    06/09/99    GEBHARD

J    ADI-005

021323    QM32/0910  
TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON MA 02110

EXAMINER

STASHICK, A

ART UNIT

PAPER NUMBER

3728  
DATE MAILED:

*14*  
09/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# **Interview Summary**

Application No.

09/328,749

Applicant(s)

GEBHARD, JEFFREY E.

Examiner

Anthony D Stashick

Art Unit

3728

All participants (applicant, applicant's representative, PTO personnel):

(1) Anthony D Stashick.

(3) \_\_\_\_\_.

(2) Brian Gaff.

(4) \_\_\_\_\_.

Date of Interview: 07 September 2001 .

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_ .

Claim(s) discussed: 1 and 21 .

Identification of prior art discussed: Lain, Torschi, Coplans .

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet .


(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**Anthony Stashick**  
Patent Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's Signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: A discussion about qualifying what is meant by spanning the entire forefoot and heel area of the sole was had. Also, Mr Gaff proposed adding to the claims something that would describe the curvature of the forefoot area, as supportd by Figures 2a and 2b. The examiner said that it appears the cited prior art does not have this curvature but that this was a limitation not previously searched. Mr. Gaff also described the function of the cited prior art and how he believed it differed from the instant application to which the examiner said that the prior art meets the structural limitations as claimed. Mr. Gaff also argued that the applicant does not believe that the combination of the prior art was proper and the reasons in support of that belief. The examiner responded by saying that the references cited all deal with preventing rotation of the user's foot, for example supination or pronation, and therefore are properly combinable. No specific language was agreed to .